

ARTICLE XX – [RESERVED] [amended 6/07]

ARTICLE XXI - SCHEDULE OF REGULATIONS AND DEVELOPMENT OPTIONS

SECTION 2100

See Table I for district density, setback and lot coverage limits.

SECTION 2101: DEVELOPMENT OPTIONS

1. **Planned Unit Development (PUD) Purpose**

The purpose of this option is to permit flexibility in the regulation of land development; encourage innovation in land use and variety in design, layout, and type of structures constructed; achieve economy and efficiency in the use of land, natural resources and utilities; encourage provision of useful open space; provide adequate housing, employment, and shopping opportunities particularly suited to the needs of the residents of the City of Muskegon and encourage the use, reuse, and improvement of existing sites and buildings when the uniform regulations contained in zoning districts do not provide adequate protection and safeguards for the site or surrounding area.

This option is intended to accommodate developments with mixed or varied uses, to allow some degree of flexibility in the application of standards and regulations in this Ordinance to achieve innovation to development on sites with unusual topography or unique settings within the community, or on land which exhibits difficult or costly development problems, and shall not be allowed where this option is sought primarily to avoid the imposition of standards and requirements of zoning classifications rather than to achieve the stated purposes above.

a. **Planned Unit Development Regulations, Standards and Requirements**

- 1) The entire parcel for which application is made must be under one ownership or the application must be made with the written authorization of all property owners.
- 2) The application shall meet the criteria established in each specified zoning district.

b. **PUD Review Procedures**

- 1) A petition for a PUD approval shall be submitted in accordance with Section 2332 of this ordinance.
- 2) The review shall be in two phases:

- 3) The preliminary phase shall involve a review of a conceptual PUD plan to determine its suitability.
- 4) The final phase shall require a detailed development plan for any part of the approved conceptual PUD plan.

c. Standards for Approval of PUD Plans

The Planning Commission shall approve, deny or modify preliminary PUD plans, based upon the following standards. Likewise, the City Commission shall approve, deny, or modify final PUD plans (after review and recommendation by the Planning Commission) based upon the following standards.

- 1) The uses proposed will have a beneficial effect, in terms of public health, safety, welfare, or convenience of any combination thereof, on present and potential surrounding land uses. The uses proposed will not adversely affect the public utility and circulation systems, surrounding properties, or the environment.
- 2) The uses proposed should be consistent with the land use plans adopted by the City.
- 3) The amount of open space provided, which the Planning Commission or City Commission may modify even though such modifications do not conform to that required in other sections of this ordinance.
- 4) The amount of off-street parking areas, which the Planning Commission or City Commission may modify even though such modifications do not conform to that required in other sections of this ordinance.
- 5) The amount of landscaping and buffering areas, which the Planning Commission or City Commission may modify even though such modifications do not conform to that required in other sections of this ordinance.
- 6) The protection or enhancement of significant natural, historical, or architectural features within the proposed development area.
- 7) The uses proposed will result in safe, convenient, uncongested and well defined vehicular and pedestrian circulation systems.

2. Preliminary PUD Plan Submission

The applicant shall submit together with the application for PUD preliminary phase approval:

- a. A general development plan depicting the proposed locations of streets, parking areas, open spaces, buildings and structures, and their spatial relationships, the relationship to off-site improvements and infrastructure and any unusual topographic features.

- 1) Approval by the Planning Commission of the PUD Preliminary Plan shall remain in effect for a period not to exceed three (3) years from the date of approval.

3. Final PUD Plan Submission

The applicant shall submit together with the application for PUD final phase approval, development plans in sufficient detail and in so far as possible the specific locations and dimensions of:

- a. all streets, sidewalks, public and private utilities, parking areas, truck docks and service drives;
- b. all buildings and structures, elevations and spacial relationships;
- c. landscaping, buffers, fences, and protective walls;
- d. open space areas and other significant environmental features;
- e. existing and final topographic changes;
- f. identification and directional signage;
- g. a property survey prepared and certified by a licensed land surveyor;

4. Amendments to an Approved Final PUD Plan

- a. Incidental or minor changes may be approved by the Planning Commission if the proposed modifications do not alter the basic design or land uses of the plan.
- b. If the Planning Commission determines that the proposed modifications are significant or major, a public notice and public hearing in accordance with Section 2332 must be conducted prior to approval or denial.

5. PUD Development Time Limits

- a. Construction of the improvements shown on the approved final PUD plan with all proposed buildings, parking areas, landscaping and infrastructure must commence within one year of approval by the City Commission.

- b. Construction must be continued in a reasonable, diligent manner and be completed within five (5) years.
- c. Said five (5) year period may be extended if applied for in writing by the petitioner and granted by the City Commission following public notice and public hearing in accordance with Section 2332 of this ordinance. Failure to secure an extension shall result in a stoppage of all construction.

SECTION 2102: PLANNED UNIT DEVELOPMENT OVERLAY

The intent of Planned Unit Developments (PUD) is to allow for flexibility in the design of developments, to allow for the preservation of open space; allow for economies in the provision of utilities and public services; provide recreational opportunities; and protect important natural features from the adverse impacts of development.

An overlay PUD (flex-zone) is hereby established in the City of Muskegon which encompasses the following properties:

Bluffton Bay

1. All of block 715 Revised Plat (1903), City of Muskegon, Muskegon County.
2. That part of Block 714, Revised Plat (1903), City of Muskegon, Muskegon County, Michigan. Described as follows: Commence at the Southwest corner of Block 715 of said Revised Plat, for Point of Beginning; thence South 00°43'48" West along the West line of said Block 715, extended, 137.80 feet; thence South 41°33'45" East 514.10 feet to the Northwestern line of Sampson Street, if extended; thence North 48°34'44" East along said Northwestern line 295.35 feet to the East line of said Block 714; thence North 00°43'48" East along said East line 327.08' to the Southeast corner of said Block 715; thence West along the South line of said Block 715 a distance of 564.96 feet to Point of Beginning. Containing 4.76 acres
3. That part of Lot 12 Block 702 of the Revised Plat of 1903 of City of Muskegon, Muskegon County, Michigan, described as follows: Commencing at the North most corner of Lot 8 and said Block 702, thence Northwesterly along the Southwesterly line of Lake Shore Drive 315.65 feet to the intersection of said Southwesterly line of Lake Shore Drive and the Southeasterly line of Lot 10 of said Block 702 extended Northeasterly to said Southwesterly line of Lake Shore Drive, thence Southwesterly along said Southeasterly line of said Lot 10 extended a distance of 145.00 feet to the South most corner of said Lot 10 for Point of Beginning, thence continue Southwesterly on the extension of said Southeasterly line of Lot 10 a distance of 157.50 feet, thence Southeasterly parallel to said Southwesterly line of Lake Shore Drive 146.00 feet, thence Southwesterly parallel to the Northwestern line of Lot 8 of said flock 162.44 feet, thence Southerly parallel to the West line of said Block 380 feet more or less to a point on the Northwestern line of Lot 6 of said Block, thence Southwesterly along the Northwestern line of said Lot 6 a distance of 35 feet more of less to the West most corner of said Lot 6, thence Southeasterly along the Southwesterly line of said Lot 6 a distance of 133.50 feet

to the Northwestern line of Sampson Street, thence Southwesterly along the Northwestern line of Sampson Street 315.3 feet to the Southwesterly corner of said Block 702, thence Recommence at Point of Beginning, thence Northwesternly along the Southwesterly line of said Lot 10 extended Northwesternly 100.00 feet, thence westerly 70.50 feet to the Southeast corner of Lot 11 of said Block, thence Westerly along Southwesterly line of said Lot 11 extended Westerly 192.70 feet to the West line of said Block 702, thence Southerly along said West line 1196.5 feet to the Southwest corner of said Block 702.

Wildwood Creek

1. Property generally North of Ruddiman Creek, East of Barclay, directly South of the Moose Lodge; all of parcel 61-30-36-400-004 and approximately the North half of parcel 61-30-36-400-021.

TABLE I: HEIGHTS, AREAS, AND YARDS [Amended 4/00]

PREAMBLE

The following district bulk, height, setback, coverage, mass, density and open space regulations are hereby established for each district in the City of Muskegon to:

1. Promote consolidated, symbiotic relationships among structures and functions; particularly in business districts whereby a use or uses benefit from the presence of other use(s) in close proximity to it.
2. Minimize detrimental relationships among incompatible land uses.
3. Cluster development for the efficient provision of services.
4. Prevent congestion of development, people and vehicles.
5. Prevent the inappropriate crowding of land.
6. Promote shared facilities (such as drives and parking) to conserve land.
7. Provide open space for users of private and public facilities.
8. Promote development that provides for pedestrian activity and maintains pedestrian safety.
9. Provide continuity in development.
10. Promote commercial development that maintains a critical mass of activity so that it stays economically viable.
11. Prevent environmental degradation that effects public health.
12. Prevent the squanderous use of land and suburban sprawl.
13. Provide for safe and efficient circulation in sites and among sites; landscaping, buffering and interrelated community design that helps foster symbiotic relationships.

TABLE I: HEIGHTS, AREAS, AND YARDS

Zoning District	R-1	RT	RM-1	RM-2	RM-3	B-1	B-2	B-3	B-4	B-5	I-1	I-2	OSC	OSR	LR	WM	WI-PUD
Minimum (sq. ft.)	6,000	8,712	10,890	14,520	21,780	4,000	10,890	4,000	10,890	10,890	21,780	43,560	21,780	21,780	21,780	21,780	43,560
Density (dwelling unit per buildable acre)	7	10	16	24	48	----	----	----	----	----	----	----	----	----	----	24	----
Dedicated Common open space required	----	----	15%	15%	15%	----	----	----	----	----	----	----	----	----	15%	15%	----
Buildings:	50%	50%	60%	70%	70%	50%	70%	100%	70%	80%	85%	85%	20%	20%	60%	60%	75%
Pavement:	10%	10%	20%	20%	20%	25%	25%	25%	25%	25%	25%	25%	15%	15%	15%	25%	25%
Lot Width	50 ft.	75 ft.	100 ft.	125 ft.	150 ft.	40 ft.	100 ft.	30 ft.	100 ft.	40 ft.	100 ft.	150 ft.	100 ft.	100 ft.	150 ft.	150 ft.	150 ft.
Maximum building width	----	----	50%	50%	50%	----	----	----	----	----	----	----	----	----	50%	50%	----
Width to depth ratio	1:3	1:3	1:3	1:3	1:3	1:3	1:3	1:3	1:3	1:3	1:3	1:3	1:3	1:3	1:3	1:3	1:3
Minimum:	----	----	----	----	----	----	2 stories or 35 ft.	2 stories or 35 ft.	2 stories or 35 ft.	2 stories or 35 ft.	----	----	----	----	----	----	----
Maximum:	2 stories (35 ft.) @	2 stories (35 ft.)	3 stories (50 ft.)	4 stories (60 ft.)	5 stories (80 ft.)	2 stories (35 ft.)	2 stories (35 ft.)	6 stories (90 ft.)	2 stories (35 ft.)	4 stories (60 ft.)	3 stories (50 ft.)	3 stories (50 ft.)	2 stories (35 ft.)	2 stories (35 ft.)	4 stories (60 ft.)	4 stories (60 ft.)	3 stories (50 ft.)
Front: Expressway & Arterial	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.
Front: Major/ Collector	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.
Front: Minor*****	15 ft.	15 ft.	20 ft.	20 ft.	20 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
Rear:*	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
From ordinary high Water mark or Wetland****	30 ft.	40 ft.	50 ft.	50 ft.	75 ft.	75 ft.	75 ft.	75 ft.	75 ft.	75 ft.	75 ft.	75 ft.	75 ft.	75 ft.	75 ft.	75 ft.	75 ft.
Side:*																	
1-story (least/total)	6/16 ft.	8/20 ft.	8/20 ft.	8/20 ft.	8/20 ft.	8/20 ft.	8/20 ft.	----	8/20 ft.	8/20 ft.	10/20 ft.	10/20 ft.	6/16 ft.	6/16 ft.	8/20 ft.	8/20 ft.	10/20 ft.
2-story (least/total)	8/20 ft.	10/24 ft.	10/24 ft.	10/24 ft.	10/24 ft.	10/24 ft.	10/24 ft.	10/24 ft.	10/24 ft.	10/24 ft.	15/25 ft.	15/25 ft.	8/12 ft.	8/20 ft.	10/14ft.	10/14ft.	15/25 ft.
3-story (least/total)	----	----	12/28 ft.	12/28 ft.	12/28 ft.	----	----	----	----	12/28 ft.	20/30 ft.	20/30 ft.	----	----	12/28 ft.	12/28 ft.	20/30 ft.
4 or more stories (least/total)	----	----	----	16/36 + 4 ft./story over 4	16/36 + 4 ft./story over 4	----	----	----	----	16/36 + 4 ft./story over 4	----	----	----	----	16/36 + 4 ft./story over 4	16/36 + 4 ft./story over 4	----
Front: Expressway Arterial and Major	----	----	----	----	----	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	----	----	----	----	----	----	----
Front: Collector	----	----	----	----	----	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.	----	----	----	----	----	----	----
Front: Minor	----	----	----	----	----	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	----	----	----	----	----	----	----

*****See table preamble and notes*****

@ special accommodation for Historic Districts-see Table Notes

---- = Not applicable

TABLE NOTES

1. One acre = 43,560 sq. ft. (for reference, this is not quite a 210' x 210' piece of property).
One-half acre = 21,780 sq. ft.
One-third acre = 14,520 sq. ft.
One-quarter acre = 10,890 sq. ft.
One-fifth of an acre = 8,712 sq. ft.
2. *See also zero lot line option and methods of determining setbacks in district regulations for each district.
3. ** Public parks are exempt from minimum lot requirements.
4. *** Minimum heights are in the form of an "overlay district" on the following street corridors only:

Western Avenue; from Ninth Street to Pine Street.
Clay Avenue; from Seventh Street to Fourth Street.
Pine Street; from Western Avenue to Apple Avenue.
5. **** Waterfront setbacks pertain to principal structures only.
6. ***** Minimum front setbacks for new principal structures in the R-1, RT, and B-3, zones, fronting on minor streets, may align with existing principal structures in the immediate area, even if the front setback is below the minimum required.
7. Setback Measurement: All required setbacks shall be measured from the right-of-way line to the nearest point of the determined drip line of buildings. [amended 10/02]
8. Height measurement: In the case of a principal building, the vertical distance measured from the average finished grade to the highest point of the roof surface where the building line abuts the front yard, except as follows: to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs (see Figure 2-2). If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building (see Figure 2-3).
9. *****Setbacks are subject to landscaping requirements.
10. @ Homes in established Historic Districts may be up to 3 stories or 45 feet in height.